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*Counsel for Defendants*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

WHANGI MICHELLE BERRIAN,

Plaintiff,

v.

C. R. BARD, INC. and BARD PERIPHERAL  
 VASCULAR INC.,

Defendants.

Case No. 2:23-cv-01491-JCM-EJY

**STIPULATION AND ORDER TO  
 EXTEND DISCOVERY DEADLINES**

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular Inc. (collectively, “Defendants”) and Plaintiff Whangi Michelle Berrian (“Plaintiff”) stipulate to extend the remaining discovery deadlines by 90 days pursuant to LR IA 6-1 and LR 26-3. This is the parties’ sixth stipulation for extension of time to take discovery.

**I. Discovery completed to date.**

**A. Initial disclosures**

The parties exchanged their initial disclosures on February 1, 2024.

**B. Fact Sheets**

The parties produced discovery responses in the form of the agreed upon fact sheets on March 7, 2024 (Plaintiff Fact Sheet) and April 8, 2024 (Defendant Fact Sheet). (*See* Doc. 23 at 3.)

**C. Depositions**

Defendants deposed the plaintiff on July 16, 2024, but reserved the right to reconvene plaintiff's deposition following her testimony disclosing that she filed a disability claim in relation to the subject device and had an upcoming doctor's appointment to evaluate the retained fractured struts from the subject device. Defendants deposed the implanting physician on September 24, 2024.

**II. Remaining discovery.**

Defendants' expert disclosures and the depositions of Plaintiff's experts and Defendants' experts need to be completed. Additionally, the updated deposition of Plaintiff needs to be taken. The parties have worked cooperatively with each other to complete the necessary discovery remaining in this matter.

**III. Reasons that the remaining discovery will not be completed within the time limits set by the discovery plan.**

The parties participated in a formal mediation conference on March 14, 2025 and have remained in active negotiations since then. The parties are confident that this matter can be resolved and wish to continue negotiating without incurring additional expenses relating to experts, expert depositions and the remaining depositions. However, the Plaintiff has recently been referred to UCLA for a surgical evaluation directly related to the alleged injuries and product in this case. The consultation is scheduled for July 16, 2025. Plaintiff feels that she needs the evaluation in order to make a decision on a settlement. The parties are optimistic that a settlement can be agreed upon following the consultation. However, in the event the Plaintiff proceeds with surgery or if the parties are unable to complete a settlement, they are requesting an additional 90 days to complete the remaining discovery. Defendants need to schedule the Plaintiff's updated deposition following the consultation and will need time to obtain and review the records prior to the deposition. Further, Defendants' experts will need those records in order to complete their analysis and reports.

Proposed schedule for completing remaining discovery.

Deadline	Current Date	Proposed New Date
Fact Discovery Cutoff	July 10, 2025	<b>October 8, 2025</b>
Plaintiff's Initial Expert Disclosures	Completed	<b>NA</b>
Defendants' Initial Expert Disclosures	July 28, 2025	<b>October 27, 2025</b>
Case-Specific Experts Deposed on Case-Specific Reports	August 28, 2025	<b>November 26, 2025</b>
Expert Discovery Cutoff	August 28, 2025	<b>November 26, 2025</b>
Dispositive Motions	September 30, 2025	<b>December 22, 2025</b>

**IT IS SO STIPULATED.**

Date: July 3, 2025

Date: July 3, 2025

**SNELL & WILMER L.L.P.**

**WETHERALL GROUP, LTD.**

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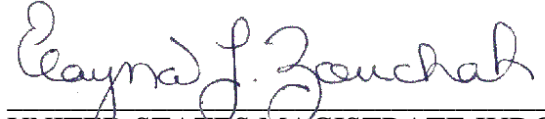
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**ORDER**

**IT IS SO ORDERED.**



UNITED STATES MAGISTRATE JUDGE

DATED: July 3, 2025